

Remarks

This communication is considered fully responsive to the first Office Action mailed September 21, 2004. Claims 1-21 were examined. Claims 1, 5, 17, and 20 were objected to. Claims 1-21 stand rejected. Claims 1, 5, 7, 8, 11, 13, and 16-20 are amended. No claims are canceled. No new claims have been added. Reexamination and reconsideration of claims 1-21 are respectfully requested.

Objections to the Specification

The Office Action objected to the disclosure for a typographical error on page 11, line 17. The specification is amended in accordance with the examiner's suggestion. Applicant appreciates the examiner's suggestion.

The Office Action also noted the use of trademarks "Intel Pentium" and "Palm Pilot" in the disclosure and stated that the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks. The Office Action also stated that the trademarks should be accompanied by generic terminology.

These trademarks appear in the Specification on page 6 using all capital letters along with the encircled "R" notation to indicate that these are registered trademarks. In addition, the INTEL PENTIUM® trademark is used as an example of a processor which may be included with "any suitable computer" and the PALM PILOT® trademark is used as an example of "a handheld computer." Applicant believes no correction to the Specification is necessary.

Claim Objections

The Office Action objected to claims 1, 5, 17, and 20 as being written in an outline format using a), b), etc. Claims 1, 5, 17, and 20 are amended to be in sentence form in accordance with the examiner's suggestion. It is noted that these amendments are not made for reasons of patentability.

Claim Rejections - 35 U.S.C. 112

The Office Action rejected claim 3 under 35 U.S.C. 112, stating that the use of the term "part" is relative and renders the claim indefinite because it is not defined in the specification. Applicant respectfully traverses this rejection.

It would be readily apparent to one skilled in the art after having become familiar with the teachings of Applicant's disclosure to develop rules for assigning priority based on all, or some portion (i.e., "at least part") of the meta data included in a transaction. Indeed, exemplary rules are provided in Table 2 wherein one of the rules is based on a user ID (IF = "Administrator"), another rule is based on an application ID (IF = "Backup"), and another rule is based on both a user ID and an application ID (IF = "User1" AND "Project A").

The Office Action rejected claim 7 under 35 U.S.C. 112, stating that the phrase "defining meta data" appears inconsistent with the specification. Claim 7 is amended to more clearly recite that the rules each include meta data and a corresponding priority. It is noted that this amendment is not made for reasons of patentability.

The Office Action rejected claim 12 under 35 U.S.C. 112, stating that the phrase “a number of” is relative and renders the claim indefinite because it is not defined in the specification. Applicant respectfully traverses this rejection. The phrase “a number of” is defined, e.g., on page 8, line 27 of the specification as “one or more.”

Claim Rejections - 35 U.S.C. 103(a)

The Office Action rejected claims 1, 3, 4, 5, 8, 13, 14, 16-19, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,640,278 to Nolan et al. (hereinafter referred to as “Nolan”) in view of U.S. Patent Publication No. 2001/0039576 to Kanada (hereinafter referred to as “Kanada”). Applicant respectfully traverses this rejection.

Claim 1 positively recites “receiving a transaction . . . and assigning a priority to said transaction at said network storage device based at least in part on a usage policy” (emphasis added). Nolan and Kanada fail to teach or suggest at least these recitations.

The Office Action cites to Col. 27, lines 65-67 in Nolan as assigning a priority to the transaction. However, this is a discussion of handling a background hot copy process. See, e.g., Col. 27, lines 58-62. Nolan discloses assigning a priority to the hot copy process relative to fulfilling data access requests from the client processor. See, e.g., Col. 27, line 65 to Col. 28, line 6. But Nolan fails to disclose assigning priority to any of the received transactions.

Kanada discloses a network policy transmission method from a policy server to a network node. Kanada does not disclose a usage policy. There is no discussion in Kanada of using a usage policy to assign priority to transactions.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 3-4 depend from claim 1, which is believed to be allowable. Therefore, claims 3-4 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 3-4 is respectfully requested.

In addition, claim 3 further recites “comparing said meta data to a number of rules defined in said usage policy, wherein assigning said priority to said transaction is based on at least part of said meta data satisfying at least one condition of said number of rules” (emphasis added). There is simply no teaching or suggestion in Nolan or Kanada of at least these recitations. Nor does the Office Action provide any additional support for rejecting claim 3.

Claim 5 is amended to recite “prioritizing a plurality of transactions received at said network storage device relative to one another.”

Nolan fails to disclose at least this recitation as discussed above for claim 1. The Office Action cites to element 387 in Figure 3B and paragraph 152 in Kanada as prioritizing transactions. However, the priority scheduling discussed in Kanada relates to policy scheduler 205 which “adds policy rules to the router at the start of their valid period or removes policy rules from the router at the expiry of their valid period.” Paragraph 70. There is no teaching or

suggestion of prioritizing a plurality of received transactions relative to one another. Therefore, claim 5 is believed to be allowable and withdrawal of the rejection of claim 5 is respectfully requested.

Claim 8 is amended to recite "program code for prioritizing said plurality of received transactions relative to one another based on said usage policy." Nolan and Kanada fail to disclose at least these recitations as discussed above for claims 1 and 5. Withdrawal of the rejection of claim 8 is respectfully requested.

Claim 13 is amended to recite "program code for defining a usage policy for prioritizing said plurality of received transactions relative to one another." Nolan and Kanada fail to disclose at least this recitation as discussed above for claims 1 and 5. Withdrawal of the rejection of claim 13 is respectfully requested.

Claims 14 and 16-19 depend from claim 13, which is believed to be allowable. Therefore, claims 14 and 16-19 are also believed to be allowable for at least the same reasons as claim 13. Withdrawal of the rejection of claims 14 and 16-19 is respectfully requested.

The Office Action rejected claim 21 as being unpatentable over Noland and Kanada. However, claim 21 depends from claim 20, which was rejected as being unpatentable over Noland and Kanada and further in view of Comer (below). Therefore, Applicant believes that the Office Action erred in rejecting claim 21 as unpatentable over only Noland and Kanada.

Furthermore, claim 20 is believed to be allowable over each of these references, as discussed below. Therefore, it follows that dependent claim 21 is also allowable for at least the same reasons as claim 20.

The Office Action rejected claims 2, 6, 9, and 15 under 35 U.S.C. 103(a) as being unpatentable over Nolan and Kanada and further in view of the article "Network Attached Storage Architecture" by Gibson et al. (hereinafter referred to as "Gibson"). The Applicant respectfully traverses this rejection.

Claim 2 depends from claim 1, which is believed to be allowable as discussed above. Gibson also fails to discuss at least the recitations in claim 1. Therefore, claim 2 is also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claim 2 is respectfully requested.

Claim 6 depends from claim 5, which is believed to be allowable as discussed above. Gibson also fails to discuss at least the recitations in claim 5. Therefore, claim 6 is also believed to be allowable for at least the same reasons as claim 5. Withdrawal of the rejection of claim 6 is respectfully requested.

Claim 9 depends from claim 8, which is believed to be allowable as discussed above. Gibson also fails to discuss at least the recitations in claim 8. Therefore, claim 9 is also believed to be allowable for at least the same reasons as claim 8. Withdrawal of the rejection of claim 9 is respectfully requested.

Claim 15 depends from claim 13, which is believed to be allowable as discussed above. Gibson also fails to discuss at least the recitations in claim 13. Therefore, claim 15 is also believed to be allowable for at least the same reasons as claim 13. Withdrawal of the rejection of claim 15 is respectfully requested.

Furthermore, claim 15 further recites “program code for identifying said network storage device.” Gibson fails to teach or suggest at least this recitation and the Office Action provides no further support for this rejection. Instead, the Office Action summarily rejects claim 15 with the same reasoning that was used to reject claims 2, 6, and 9 even though claims 2, 6, and 9 did not include the further recitations of claim 15. Therefore, claim 15 is also believed to be allowable for at least this reason and withdrawal of the rejection of claim 15 is respectfully requested.

The Office Action rejected claims 7, 10, 11, and 20 under 35 U.S.C. 103(a) as being unpatentable over Nolan and Kanada and further in view of the article “Internetworking with TCP/IP” by Comer (hereinafter referred to as “Comer”). The Applicant respectfully traverses this rejection.

Claim 7 depends from claim 5, which is believed to be allowable. Comer also fails to discuss at least the recitations in claim 5. Therefore, claim 7 is also believed to be allowable for at least the same reasons as the respective independent claims. Withdrawal of the rejection of claim 7 is respectfully requested.

Furthermore, claim 7 positively recites “said usage policy comprises a number of rules, each including meta data and a corresponding priority.” The Office Action relies on the datagram header shown in Figure 7.2 of Comer and on the precedence bits shown in Figure 7.4 of Comer, along with the DSCP header in Kanada as disclosing these recitations.

It is not clear from the Office Action how these three references teach or suggest the claimed recitations. Figure 7.2 merely shows a datagram header for

source and destination IP addresses. Figure 7.4 merely shows bits reserved for the user to specify precedence with values ranging from 0 to 7. And the DSCP header in Kanada allows packets having the same value to be “treated together as one flow (called an aggregated flow).” However, there is no teaching or suggestion here of any rules which include meta data and corresponding priorities. For at least these reasons, withdrawal of the rejection of claim 7 is respectfully requested.

Claims 10-11 depend from claim 8, which is believed to be allowable as discussed above. Comer also fails to discuss at least the recitations in claim 8. Therefore, claims 10-11 are also believed to be allowable for at least the same reasons as claim 8. Withdrawal of the rejection of claims 10-11 is respectfully requested.

In addition, claim 10 positively recites “said usage policy comprises a number of rules which define a number of priorities for a number of meta data.” As discussed above for claim 7, it is unclear how these references teach or suggest the claimed recitations. For at least these reasons, withdrawal of the rejection of claim 10 is respectfully requested.

Furthermore, claim 10 positively recites “program code assigns one of said priorities to one of said transactions when said transaction satisfies at least one of said rules.” The Office Action summarily rejects claim 10 for the same reasons as claim 7. However, these recitations were not included in claim 7 and the Office Action provides no additional support for rejecting claim 10. For at least these reasons, withdrawal of the rejection of claim 10 is respectfully requested.

Claim 11 also recites "said program code reads said at least one meta data field and orders said number of transactions among other transactions in a queue based on said at least one meta data field satisfying a condition of a rule in said usage policy." The Office Action relies on paragraph 152 in Kanada as ordering transactions in a queue according to priority. However, this is a discussion of priority scheduling. As discussed above, priority scheduling relates to the policy scheduler 205 which "adds policy rules to the router at the start of their valid period or removes policy rules from the router at the expiry of their valid period." Paragraph 70. Priority scheduling in Kanada has nothing to do with prioritizing the transactions among other transactions. For at least these reasons, withdrawal of the rejection of claim 11 is respectfully requested.

Claim 20 positively recites "means for prioritizing said number of transactions based at least in part on said meta data." Although the Office Action summarily rejects claim 20 for the same reasons as claim 11, Applicant believes that the examiner is relying primarily on Figure 7.4 in Comer as disclosing the claimed recitation.

The three precedence bits in Figure 7.4 "specify datagram precedence with values ranging from 0 (normal precedence) through 7 (network control), allowing senders to indicate the importance of each datagram." However, there is no teaching or suggestion that the transactions are prioritized based on meta data. To the contrary, the user has already specified the precedence and thus there is no need to prioritize based on meta data for the transaction. For at least these reasons, withdrawal of the rejection of claim 20 is respectfully requested.

The Office Action rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Nolan and Kanada and further in view of the article "Requirements for a Policy Management System" by Mahon et al. (hereinafter referred to as "Mahon"). The Applicant respectfully traverses this rejection.

Claim 12 depends from claim 8, which is believed to be allowable as discussed above. Mahon also fails to discuss at least the recitations in claim 8. Therefore, claim 12 is also believed to be allowable for at least the same reasons as claim 8. Withdrawal of the rejection of claim 12 is respectfully requested.

Conclusion

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

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